

Testimony of Theodora Ooms

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Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to testify. My name is Theodora Ooms. I am a senior policy analyst at the Center for Law and Social Policy (CLASP). CLASP is a non-profit organization engaged in research, analysis, technical assistance and advocacy on issues affecting low-income families. CLASP does not receive government funds. Independently, I am also a senior consultant to the Governor and First Lady's Marriage Initiative in Oklahoma.

My testimony today will focus primarily on what states are doing to promote the family formation goals of the 1996 Welfare Reform Law (The Personal Responsibility and Work Opportunity Reconciliation Act, P.L.104-193). I find that the majority of states are making at least some effort to directly pursue these goals. There are understandable reasons for states to proceed cautiously. Little is known about what approaches are effective, and many are unsure about the appropriate role of government's role should be on these sensitive and personal issues. It also appears that programs that provide enhanced economic security and other kinds of family support may indirectly promote marriage and reduce non-marital childbearing. In two states, and a few communities some innovative marriage-related initiatives are being tried out. They highlight the need for additional well evaluated demonstration programs.

I will begin with a brief description of the family formation provisions in the law and related features. The 1996 law establishing the Temporary Assistance For Needy Families program (TANF), three "family formation" goals are spelled out in the four purposes of the Act (emphasis added):

- (i) "to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives"
- (ii) "to **end dependence of needy parents** on government benefits **by promoting** job preparation, work and **marriage**"
- (iii) "to prevent and reduce the **incidence of out-of-wedlock pregnancies** and establish annual numerical goals for preventing and reducing the incidence of these pregnancies"
- (iv) "to **encourage the formation and maintenance of two-parent families.**"

The law establishes flexibility regarding who can receive services. Purpose (ii) is limited to spending TANF funds on “needy” families (as defined by the state). Purposes (iii) and (iv) are not directed solely at “needy” families.

The federal government has given some guidance to states on examples of allowable types of activities related to the family formation goals. In 1999 the Administration for Children and Families (ACF) published *Helping Families Achieve Self-Sufficiency: A Guide on Funding for Children and Families* through the TANF program. This document makes clear that states have considerable flexibility in how to spend their block grant funds to achieve these TANF goals. The Guide offered several suggestions of policy changes or activities that could be engaged in to promote marriage and encourage two parent families (www.acf.dhhs.gov/program/ofa/funds2.htm)

Two parent families are not defined in the law, thus states are free to establish their own reasonable definitions. Thus in addressing the fourth purpose states may choose a broad definition in order to try to improve and stabilize the relationships between two parents whether they are married, unmarried, separated or divorced, and whether they are living together or not.

The law offers states a financial incentive to reduce out-of-wedlock childbearing. It authorizes a total of \$100 million in annual bonus payments to those five states that achieve the largest reductions in out-of-wedlock births among welfare and non-welfare teens and adults, while also reducing their abortion rate below the 1995 level.

On August 30, 2000 the Administration issued a rule establishing four new measures for the High Performance Bonus, including a measure of family formation and stability (in addition to the work-related measures already established). The “marriage” bonus will be awarded on the basis of the increase in the percent of all children in each state who reside in married couple families. In FY 2002 and beyond, the government will award \$10 million to be divided between the ten States with the greatest percentage point improvement in this measure. States may choose to compete on this measure (states will be ranked only if they indicate they wish to compete).

Many states are using TANF funds to prevent out-of-wedlock births and are focusing primarily on teen pregnancy prevention.

A recent CRS report (relying on current state TANF plans, state administrative codes and statutes, and a January, 2000 CRS Benefit Survey) provides a summary of what states are doing related to reducing out-of-wedlock pregnancies and points out that much of the focus is given to adolescents. This report mentions that “a sizeable number of states describe awarding of competitive grants, or provision of other kinds of program resources to community groups, counties or local school districts who operate programs aimed at reducing out-of-wedlock pregnancy—especially teen pregnancy. Promotion of sexual “abstinence” (cited by 26 jurisdictions) and provision of “family planning” services (cited by 25 jurisdictions) are frequently listed as components of a state’s effort to meet the goal of reducing out-of-wedlock pregnancy” (Stoltzfus *et.al.*, 2000, p. 29-30). Earlier studies

reported that most states have tapped some TANF funds for teen pregnancy prevention projects and for family planning initiatives (cited in Cohen, January 2000 & Hutson & Levin-Epstein, January, 2000).

Since nearly 80% of teen births are out-of-wedlock, the states' emphasis on activities designed to reduce teen pregnancies is reasonable. Teen births now constitute one-third of all out-of-wedlock births. This figure masks the important role of teen pregnancy in non-marital childbearing; about 57% of all non-marital births were to teens or to adult women who had their first birth as a teenager (Child Trends, 2001). About half of non-marital births are second or later births. Moreover states are aware that efforts to reduce teen pregnancy are contributing to the decline in teen birth rates and there is now good evidence of several program models that are effective in reducing teen pregnancy (Kirby, 2001).

Virginia is one example of a state that is making a deliberate effort to win the out-of-wedlock bonus by focusing on adults. The Virginia Health Department is spending state funds and \$1million of TANF funds to support the formation of eighteen community-based out-of-wedlock pregnancy prevention coalitions, *Partners in Prevention*. These coalitions are especially targeting young adults, ages 20-29, with the message that "marriage is the right place for a child to be born."

The majority of states have taken at least some policy measures to strengthen two parent families and promote marriage.

The clear majority of states have taken steps to drop the stricter eligibility requirement for two parent (married and unmarried) family households that existed in the AFDC program: as of 1999, thirty three states' policies now effectively treat such families the same as single parent families when determining eligibility (SPDP, 2000). Some states explicitly describe this policy change as an encouragement of two-parent families (Stoltzfus *et.al.*, 2000). At the same time, at least 14 states have now established state-funded programs for two parent families in order to provide assistance to these families without risking the penalties associated with the TANF high work participation rates for two parent families (SPDP, 2000).

Several states have spent TANF dollars on programs to encourage responsible fatherhood among low-income populations. The National Conference of State Legislatures reports that typically these programs offer a variety of services primarily targeted on non-custodial fathers, including employment-related services, peer support groups and services designed to improve parenting skills. A few also offer co-parenting, "team" parenting, mediation or other programs designed to improve the relationship between the mother and the father. California has redirected some of its unspent TANF dollars to fund seven county programs targeted at fathers. Missouri expanded its Parents Fair Share program statewide using \$10 million over two years. Other states using TANF funds for these activities include Florida, Arizona, North Carolina, and Ohio (see Reichert, D. 2000).

A few states have made other TANF policy adjustments to modify current treatment of couples. The recent CRS study reports that “ a few states (Mississippi, North Dakota and Oklahoma) have sought to encourage marriage or re-marriage by disregarding all income of the new spouse during a post wedding adjustment period (3-6 months). This adjustment time is intended to enable the family to pay bills and otherwise establish its independence before aid is ended. West Virginia adds a \$100 marriage incentive payment to the monthly cash benefit of any family that includes a legally married man and woman who live together.,” (Stoltzfus et. al., 2000: p 29.). And in 1999 the Oklahoma Department of Human Services began including the income of both individuals in a cohabiting (unmarried) couple household when determining eligibility for assistance, with the justification that this policy change “ will promote marriage.”

Two states to date—Oklahoma and Arizona— have taken steps to use TANF funds to pursue the family formation goals through launching a number of specific marriage-strengthening activities.

Oklahoma. In January, 1999, Governor Frank Keating in his Inaugural and State of the State addresses laid out a series of social goals including a commitment to reducing the state’s divorce rate by one third by 2010. Oklahoma’s divorce rate was the second highest in the nation and believed to have serious economic consequences for children, adults and the state’s economy. (As noted in an article about this initiative by Blaine Harden in the New York Times , May 21, 2001, the Census 2000 also shows that the increases in cohabitation in Oklahoma and other Bible Belt states are well above the 72% decade increase in unmarried couples found in the nation as a whole.)

In February the Governor and the First Lady hosted a Conference on Marriage which event launched the statewide Marriage Initiative. From the outset it was planned to be a multi-sector initiative including religion, business, government, legal, health and social service providers, universities and the media. The first year involved leaders from these different sectors developing action plans that encompassed a broad spectrum of activities across the state.

A year later, in March 2000 the Governor announced his decision to set aside \$10 million out of the TANF reserve fund to be used to strengthen marriage and reduce divorce. The TANF funds will be used to target services primarily, but not exclusively, to low income populations who are at greatest risk of marital instability and for whom there are few services available.

As of March 2001, Oklahoma’s plan includes:

- Ongoing public education and awareness activities using the media, and national marriage experts;
- Building the capacity of maternal and child health, welfare, and other government funded services—such as the statewide nurse home-visiting program— to help strengthen and stabilize young parents’ relationship and promote marriage;

- Investing in training state employees and community leaders (child guidance personnel in the Health Department, family life educators in the Cooperative Extension Service, & ministers, pastors & mental health professionals) to offer education and relationships skills workshops initially in seven pilot counties, & ultimately in every county in the state;
- Piloting a married couples mentoring program to serve as follow up support for couples participating in the skills workshops;
- Assisting fatherhood and youth development projects to integrate a focus on marriage;
- Improving the collection of divorce and marriage statistics in the state vital statistics system;
- Encouraging the states' most prominent religious leaders across denominations and faiths) to sign a covenant to agree to offer serious marriage preparation courses and marriage mentors to couples during the first crucial years of marriage.
- Conducting a statewide survey of churches, congregations, synagogues, & mosques to find out what marriage and family related services and supports they provided or would be interested in providing.
- Collaborating with Oklahoma State University in a variety of research and evaluation activities including a baseline telephone survey of Oklahomans to determine attitudes about marriage, evaluation of the relationships skills workshops, and other projects.
- Establishing a Resource Center of materials and program models, and a directory of services and programs available throughout the state (to be posted on the Center's web site).
- To implement Charitable Choice, hiring a full time person to serve as the state government's liaison with the faith-based community on marriage and other issues.

This Initiative is assisted by a broad based, statewide steering committee (including representatives of the domestic violence community) and with the advice and consultation of state and national experts in couples and marriage research, programs and policy.

Arizona. In April, 2000 Governor Hull signed a bill (HB 2199) that includes an allocation of \$1.65 million of TANF funds to be spent on prevention-oriented, marriage-related activities:

- Grants for community-based marriage and communications skills programs (\$1 million);
- Vouchers to married or cohabiting parents whose income is less than 150% of poverty to attend marriage skills training courses (\$75,000);
- The development and printing of the marriage handbook by the Marriage and Communication Skills Commission (an advisory body to be newly established) (\$75,000);

In March 2001, the request for proposals, designed by the Commission, was issued. The Commission will review the applications and make recommendations to the Governor about who should be given the grant awards. The Marriage Handbook is in process of being drafted. And new legislation is being proposed to conduct an advertising campaign to complement these activities.

There has been no systematic study of the number and scope of any county level initiatives, but from available information there appear to be a few.

In some states many decisions about the welfare program are devolved to the county level. In Colorado, legislation was introduced in early 2001 that would permit county welfare agencies to provide a TANF recipient with a one-time payment of from \$500-\$1000 if she married—what some referred to as a marriage “bonus” or “dowry”. The bill passed the House but was voted down in the Senate.

Small TANF grants have been given to support marriage-related services in Grand Rapids, in Indianapolis and undoubtedly other communities as well. The Greater Grand Rapids Community Marriage Policy (GGRCMP) is working with the Kent County welfare agency to conduct a survey of TANF clients and caseworkers to determine what kinds of services and supports would be appropriate to offer low income couples as part of the Initiative. The GGRCMP is a multi-sector initiative sponsoring a wide variety of activities aimed at reducing the divorce rate in order to improve the well-being of children. It includes a strong emphasis on research. (www.GGRCmarriagepolicy.org)

Faith-based organizations appear to have not yet used the charitable choice provision to build their capacity to deliver marriage strengthening services.

The TANF law includes a charitable choice provision which allows contracts, vouchers or other funding for charitable, religious or private organizations. At least two dozen states have established either financial or formal non-financial collaborations with faith-based organizations by the end of 1999, and several others were in the process (Sherman, March 2000). State governments that have been most proactive include Indiana, Texas, Wisconsin, Ohio, and Mississippi. In communities in these and other states faith-based organizations (FBOs) are providing a variety of social services with TANF funding such as mentoring, job training, mental health counseling or emergency housing, life skills training and alcohol or other drug addiction programs. While there are some anecdotal stories of their doing so, there are no published reports of any FBOs using this provision to build their capacity to offer couples and marriage-related services.

Programs whose primary purposes are to enhance economic security or provide other kinds of family support may also indirectly promote marriage and reduce non-marital childbearing.

Evidence is beginning to emerge that a number of existing family support programs appear to *indirectly* promote and stabilize marriage and reduce out-of-wedlock childbearing. For example, there are several new studies that show that states that have

more effective child support enforcement had lower rates of divorce, non-marital births and teen births (Plotnick *et.al.*, 2000; Nixon, 1997). Publicly funded family planning programs are estimated by the Alan Guttmacher Institute to avert around 900,000 out-of-wedlock pregnancies a year (Forrest & Samara, Table 4.). One study found that when Medicaid eligibility was expanded and made available to additional-low income families, including two-parent families, there were significant, positive effects on marriage rates (Yelowitz, 1997).

Finally, there has been a great deal of recent interest in the finding that the Minnesota Family Investment Program (MFIP) significantly increased marital stability and made it somewhat more likely that single parents got married (Gennetian & Miller, 2000; Knox, Miller & Gennetian, 2000). (MFIP was a demonstration welfare-to-work program conducted between 1994-1998 and evaluated by the Manpower Demonstration Research Corporation. It included an enhanced earnings disregard, a work participation requirement and offered similar eligibility requirements for one and two-parent families).

In an analysis of these findings the authors conclude that the positive marriage effects were driven largely by the increases in families' incomes, and less by the streamlined eligibility rules. The researchers conclude that the study shows that "increased financial support can affect marriage decisions. For single parents, increased financial security may have represented increased bargaining power within marriage. For two-parent families, the results suggest that the program increased marital stability because it allowed some two-earner families to cut back on work, but also because it increased income for very-low income families," (Gennetian & Miller, 2000).

The field of marriage policy is in its infancy, very little is known about what works and many remain unsure about the appropriate role of government.

There are several reasons why it may be appropriate to move forward cautiously on specific marriage strengthening proposals. The first is undoubtedly that there is very little information available about what works, and about what strategies can responsibly be pursued to achieve these goals. The 1996 welfare reform legislation drew upon more than a decade of lessons from the numerous demonstration programs on welfare-to work to shape and undergird its work-related goals. There have been no similar demonstrations of policies or programs designed to strengthen marriage and two-parent families.

Second, promoting marriage and strengthening two-parent families are very new goals for public policy. The vast majority of Americans, across race and income, have had some direct personal, and often painful, experiences with the "retreat" from marriage. While the public continues to support marriage as an ideal, many in both political parties remain unsure about the appropriate role of the government sector in what they regard to be a private matter.

The widespread public discussion and debate that is needed to develop a consensus on appropriate strategies has only just begun. Some believe that the decline in marriage is a worldwide phenomenon and are skeptical that anything can be done to arrest it. Others are concerned that promoting marriage inadvertently stigmatizes single parents and people of color, and worry that some policy proposals may be coercive, ignore domestic violence, and aim to restore patriarchy and bring back the concept of “illegitimacy” (Ooms, 1998). Others believe that marriage is no longer valued in low-income communities, and has little relevance as a solution to the complex burdens of poverty. Yet studies show that marriage is still held in high regard by the majority of low-income women and men, but for a variety of reasons — shortage of “marriageable” men, policy and program barriers, and so forth — is seen as personally unattainable (Ooms, forthcoming).

More research, better statistics, and well-evaluated demonstration programs are needed to help guide marriage policy and build public education and support.

A substantial body of research exists on the multiple causes of marital decline, on the consequences of single parenthood for child wellbeing, on the benefits of marriage, and on what makes relationships work and marriages succeed. This research however is highly dispersed among many different academic disciplines. By and large this knowledge has not been translated into programs and policies designed to strengthen couples and marriage. There are several model curricula designed to teach couples relationship skills and attitudes, and studies show that some of the research-based approaches have promise. But these programs have not been implemented and evaluated on a large scale. Nor have they been adapted to the special needs and circumstances of different income, racial, and cultural groups.

Moreover there are many gaps in the research—especially related to understanding family formation among low-income populations and people of color. Moreover it would seem wise to fund carefully evaluated pilot demonstration programs before implementing specific marriage strategies on a national scale.

The Fragile Families and Child Well-being study, co-directed by Sara McLanahan, Princeton University and Irv Garfinkel of Columbia University, is an exciting example of the kind of research that is needed. This research is focused on new parents and is being conducted in 21 cities. The sample consists of 3,600 unmarried parents and 1,200 married parents who are interviewed at the time of birth, and then followed for four years. In addition information will be collected on the child development and well-being.

Early findings from this study are already challenging some widespread perceptions about unmarried parents, for example over half live together, 80% are romantically involved, and 70% say their chances of marriage are 50-50 or better. The study is collecting information about the personal characteristics and program and policy barriers that lead to the instability and break up of many of these couples. These findings strongly suggest that the most opportune time to design services and supports for unmarried couples is around the “magic moment” of the birth of their child.

Finally, in order to monitor and assess the effectiveness of state and local efforts related to marriage the federal government needs to invest in improving the basic vital statistics on marriage and divorce to bring them up to the level of birth and death statistics. Marriage and divorce statistics are of poor quality and lacking in many states. In 1995 the federal government decided to discontinue collecting these statistics from the states, thus currently there are no national data available on marriage and divorce rates (Ooms, 1999).

In conclusion the central questions in the forthcoming reauthorization debate about these issues need to be:

1. What is the appropriate role for the federal and state government in strengthening two parent families and marriage?
2. Do we know what works, and how can we learn more?
3. How can the family formation goals be advanced in ways that do not risk unintended adverse effects for children or their parents?
4. Is TANF an appropriate vehicle to pursue these goals? Are there other vehicles that might be used as well?

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